

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION
One Ashburton Place, Room 503
Boston, MA 02108
(617) 727-2293

JAVIER FELICIANO,
Appellant

v.

G1-16-152

SPRINGFIELD POLICE DEPARTMENT,
Respondent

Appearance for Appellant:

Pro Se
Javier Feliciano

Appearance for Respondent:

Maite A. Parsi, Esq.
Third Associate Labor Counsel
City of Springfield
36 Court Street, Room 005
Springfield, MA 01103

Commissioner:

Christopher C. Bowman

DECISION

Pursuant to G.L. c. 31, § 2(b), Javier Feliciano (Mr. Feliciano) has challenged the decision of the state's Human Resources Division (HRD) to affirm the decision of the City of Springfield (City)'s Police Department to bypass him for original appointment to the position of police officer. Mr. Feliciano filed an appeal with the Civil Service Commission (Commission) on September 12, 2016. A pre-hearing conference was held on October 12, 2016, followed by a full hearing on December 14, 2016, both of which were held at the Springfield State Building in

Springfield, MA.¹ The full hearing was digitally recorded and both parties received a CD of the proceeding.² Both parties submitted post-hearing briefs in the form of proposed decisions.

FINDINGS OF FACT

Elven (11) exhibits were entered into evidence at the hearing. Based on the documents submitted, the testimony of the following witnesses:

Called by the City:

- Lynn Vedovelli, Human Resources Department, Springfield Police Department;
- Michael Dumas, Police Officer, Springfield Police Department;

Called by Mr. Feliciano:

- Javier Feliciano, Appellant;

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations and policies, and reasonable inferences therefrom, a preponderance of the evidence establishes the following findings of fact:

1. Mr. Feliciano is forty-three (43) years old. He is divorced, has three (3) children and has lived in Springfield, MA “off and on” for the past sixteen (16) years and currently lives with his fiancé. (Testimony of Mr. Feliciano)
2. Mr. Feliciano received his GED at Holyoke Community College in 1992. He is now attending Holyoke Community College working toward an associate’s degree in criminal justice. (Testimony of Mr. Feliciano) He is fluent in Spanish. (Exhibit 7)

¹ The Standard Adjudicatory rules of Practice and Procedures, 810 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission, with G.L. Chapter 31, or any Commission rules, taking precedence.

² If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, this CD should be used to transcribe the hearing

3. Mr. Feliciano has several trainings and certificates. He is firearms-trained via MA State Police & the NRA, and has a valid license to carry a firearm. He has been trained in the use of OC spray and use of a baton by the Holyoke Police Department. (Exhibit 6)
4. From 1995 to 1998, Mr. Feliciano was employed as a security officer at Westfield State College. (Exhibit 4)
5. From 1998 to 2000, Mr. Feliciano was employed as a messenger / driver for an armored transportation company. (Exhibit 4)
6. From 2000 to 2003 and 2007 to 2009, Mr. Feliciano worked as a rehabilitation technician for a rehabilitation center in Holyoke. (Exhibit 4)
7. In what would become a central issue regarding the decision to bypass Mr. Feliciano, from January 2009 to November 2009, Mr. Feliciano was employed as a pharmacy technician at a health center (hereafter “the health center”) in Holyoke. (Testimony of Mr. Feliciano and Exhibit 4)
8. From 2009 until at least the time Mr. Feliciano applied to be a Springfield Police Officer in 2016, he was employed as a per diem employee for a contracting / moving company in Springfield. (Exhibit 4)
9. Since September 2016, Mr. Feliciano has been employed as a reserve / intermittent police officer for the Chicopee Police Department. At the time he was being considered for appointment in Springfield, he was attending the reserve police academy in Chicopee. (Testimony of Mr. Feliciano)
10. On April 25, 2015, Mr. Feliciano took the civil service examination for police officer and received a score of 85. (Stipulated Fact)

11. On January 26, 2015, Mr. Feliciano's name appeared on Certification No. 03454, from which the City eventually appointed fifty-nine (59) police officers. Mr. Feliciano was ranked forty-eighth (48th) among those willing to accept appointment on this Certification. (Stipulated Facts)
12. On January 26, 2016, Mr. Feliciano completed a "Registration Packet" that included one-hundred twenty-four (124) "yes/no" questions. (Exhibit 3)
13. Question 15 of the Registration Packet asked: "Have you ever been terminated from a job?" Mr. Feliciano circled "yes". (Exhibit 3)
14. Question 55 of the Registration Packet asked: "Have you ever threatened someone that you would assault them or commit some other type of crime against them?" Mr. Feliciano circled "no". (Exhibit 3)
15. Question 100 on the Registration Packet asked: "Has anyone ever accused you of committing a crime?" Mr. Feliciano circled "no". (Exhibit 3)
16. On January 27, 2016, Mr. Feliciano completed a "Personal History Statement" (hereafter "application"). (Exhibit 4)
17. On Page 10 of the application, Mr. Feliciano indicated that he was employed at the Health Center from January 2009 to November 2009. In regard to "reason for leaving", Mr. Feliciano wrote: "misunderstanding with another employee." (Exhibit 4)
18. Question 12 on the application asked: "Have you ever been discharged, asked to resign, furloughed, or put on inactive status for cause, or subjected to disciplinary action while in an any position (except for military)?" Mr. Feliciano checked "no". (Exhibit 4)
19. Springfield Police Officer Michael Dumas was assigned to conduct a background investigation of Mr. Feliciano. (Testimony of Officer Dumas and Exhibit 6)

20. As part of the background investigation, Officer Dumas compared the answers that Mr. Feliciano provided in the Registration Packet and the Application. He believed that there was a discrepancy between Mr. Feliciano's "yes" answer to Question 15 on the registration packet (Have you ever been terminated from a job?) and his "no" answer to Question 12 on the application ("Have you ever been discharged, asked to resign, furloughed or put on inactive status for cause, or subjected to disciplinary action while in any position (except for military)?") (Testimony of Officer Dumas)
21. As part of the background investigation, Officer Dumas contacted Mr. Feliciano's former employers. No negative information regarding Mr. Feliciano was reported by Westfield State University, the armored transportation company or the rehabilitation center. His employer at the contracting / moving company described Mr. Feliciano as dependable and a good leader. (Exhibit 6)
22. When Officer Dumas contacted the Health Center, the Human Resources Director stated that Mr. Feliciano was a "good worker with good communication skills" and that he was "dependable and trustworthy". She also stated, however, that Mr. Feliciano was terminated because of workplace violence threats. (Testimony of Officer Dumas and Exhibit 6)
23. The Colonel of the Holyoke Auxiliary Police Division described Mr. Feliciano as "in shape, always dependable and available when needed." (Exhibit 6)
24. As part of the background investigation, Officer Dumas received two "incident reports" from the Holyoke Police Department in which a Holyoke Police Officer responded to the Health Center on November 17, 2009 (Incident Report 1) and November 18, 2009 (Incident Report 2). (Testimony of Officer Dumas and Exhibit 9)

25. Incident Report 1 is a narrative by a Holyoke Police Officer who wrote that he responded to a call at the Health Center on November 17, 2009 (a Tuesday). The Police Officer spoke to an employee at the Health Center (“Ms. S”). Ms. S. told the Holyoke Police Officer that Mr. Feliciano had threatened to come to work “with a large machine gun and shooting everyone.” Another employee (“Ms. C”) completed a written statement, writing that Mr. Feliciano had joked about “going postal”, but that he would “go postal” on a Tuesday (Ms. C’s day off). (Exhibit 9) [I credit Mr. Feliciano’s testimony that any reference to a day of the week was Wednesday, as opposed to Tuesday.]
26. Mr. Feliciano called in sick on Wednesday, November 18, 2009. (Testimony of Mr. Feliciano)
27. On Wednesday, November 18, 2009, in response to the alleged threats made by Mr. Feliciano, a Holyoke Police Officer was assigned to perform detail duty outside the Health Center. That police officer prepared an incident report. (Incident Report 2) According to that police report, the police officer, after learning that Mr. Feliciano had been a patient at a local crisis center and had stopped taking prescribed medication, requested the assistance of the Springfield Police Department for a “Section 12” (Application for an authorization of temporary involuntary hospitalization). (Exhibit 9)
28. At the time Mr. Feliciano completed the application and registration packet, he was unaware that he had been accused of a crime and/or that that police incident reports had been prepared by the Holyoke Police Department back in 2009 regarding the workplace incident. (Testimony of Mr. Feliciano)
29. After reviewing the police incident reports, Officer Dumas, aware that Mr. Feliciano was a Holyoke Auxiliary Police Officer and was going through the reserve police academy in

Chicopee, contacted both departments to ensure that they were aware of the 2009 allegations. In response, a lieutenant in the Chicopee Police Department told Officer Dumas that they (Chicopee) were not going to take any action and that Mr. Feliciano would be allowed to complete the training academy. A lieutenant in the Holyoke Police Department informed Officer Dumas that Holyoke was rescinding all of Mr. Feliciano's credentials pending a further review. (Exhibit 6)

30. Officer Dumas stayed in contact with the Holyoke Police Lieutenant to determine the outcome of their Department's further review. Officer Dumas was ultimately told by the Holyoke Police Lieutenant that "upon speaking to the victims, they stated that looking back they really did not take what Mr. Feliciano said as serious. They (sic) people that [the Lieutenant] spoke to stated that one of the workers is a little over sensitive and she took things the wrong way and only heard part of the conversation with Mr. Feliciano and another co-worker." (Exhibit 6)

31. According to the report submitted by Officer Dumas: "[The Holyoke Police Lieutenant] at the time of this writing [3/8/16] is authoring a detailed report on the matter and will forward it to me when completed. My last conversation with [the lieutenant], he stated that it looks like that the Holyoke Police Department is going to give Mr. Feliciano his credentials back as an Auxiliary Holyoke Police Officer." (Exhibit 6)

32. Officer Dumas also followed up with the Human Resources Director at the Health Center regarding the 2009 incident. She stated that an employee had reported that Mr. Feliciano made threats of workplace violence and that they take such allegations very seriously. She confirmed that Mr. Feliciano was terminated for threats of workplace violence and that he is not eligible for re-hire. She stated, however, that Mr. Feliciano regularly visits the Health

Center to drop his child off for daycare and that he has never been banned from the premises.
(Exhibit 6)

33. On March 25, 2016, Officer Dumas met with Mr. Feliciano. Asked why he indicated “no” to question regarding whether he had ever been asked to resign, been dismissed, disciplined, etc., Mr. Feliciano told Officer Dumas that he had misunderstood the question. (Exhibit 6)

34. Asked why he indicated “no” to the question on the registration packet regarding whether anyone had ever accused him of committing a crime, Mr. Feliciano told Officer Dumas that he was unaware that a police report was ever filed against him in regard to the 2009 incident.
(Exhibit 6)

35. Asked to provide his version of events regarding the 2009 incident at the Health Center, Mr. Feliciano stated that he and his co-workers were discussing an active shooter incident on television and that he (Mr. Feliciano) made a comment that he understood why people do such things. Mr. Feliciano told Officer Dumas that another employee said words to the effect: “If anyone goes postal, do it on a Wednesday; that’s when I’m off” to which Mr. Feliciano responded “noted”. Mr. Feliciano told Officer Dumas that, throughout the day, he would jokingly say “noted” to his co-workers. (Exhibit 6)

36. On March 26, 2016, an interview panel consisting of two (2) police captains, a deputy and Lynn Vedovelli of the Springfield Police Department’s Human Resources Department interviewed Mr. Feliciano. As part of that interview, Mr. Feliciano was asked why he answered “no” to Question 12 of the application which asked “Have you ever been asked to resign, been dismissed, disciplined in any way, or given a written or verbal reprimand because of misconduct or unsatisfactory service?” In response, Mr. Feliciano, said he wasn’t sure how to answer the question. (Testimony of Ms. Vedovelli)

37. The interview panel also asked Mr. Feliciano why he answered “no” to Question 100 on the registration packet which asked “Has anyone ever accused you of committing a crime?” Mr. Feliciano told the interview panel that he didn’t realize that anyone ever reported the incident and that even the Holyoke Police Department wasn’t aware of the police reports. Ms. Vedovelli felt very “uneasy” about his response and did not believe he was sincere.

(Testimony of Ms. Vedovelli)

38. The interview panel also asked Mr. Feliciano why he answered “no” to Question 55 on the registration packet which asked “Have you ever threatened someone that you would assault them or commit some other type of crime against them?”. Mr. Feliciano told the interview panel that he was confused. (Testimony of Ms. Vedovelli)

39. After reviewing the background investigation information and listening to Mr. Feliciano’s responses, the interview panel concluded that Mr. Feliciano was untruthful by answering “no” to the above-referenced questions and decided to bypass him for appointment.

(Testimony of Ms. Vedovelli)

40. Officer Dumas, who completed the background investigation, never received a March 23, 2016 report that the lieutenant at the Holyoke Police Department had completed regarding his further investigation of the 2009 incident at the Health Center. (Testimony of Officer Dumas and Exhibit 11)³

41. The Holyoke Police Lieutenant’s follow-up report (hereafter “the follow up report”) states on the cover page: “Status: No crime involved.” (Exhibit 11)

42. The Holyoke Police Lieutenant interviewed eight (8) different employees who were on duty at the Health Center on the day in question. In his findings, the Lieutenant states:

³ Officer Dumas first saw the Holyoke Police Department report on the day of the hearing before the Commission when Mr. Feliciano submitted it as an exhibit.

“Everyone’s account of the incident consistently indicated that Mr. Feliciano was upset about some sort of time off issue. Other than [Ms. S], everyone agrees that he made a reference to either going postal or understanding why people go postal. No one else remembers any mention of any weapons. Additionally when I spoke to [Ms. S] she couldn’t remember if guns were actually mentioned or it was inferred.” (Exhibit 11)

43. Later in the report, the Lieutenant writes: “Everyone involved agrees that Javier used poor judgment in his choice of words and in the way he vented is (sic) frustrations whether jokingly or not but based on this reporting officers thorough investigation, this incident was largely a misunderstanding and not actual threats made.” (Exhibit 11)

44. By letter dated June 14, 2016, the Springfield Police Department notified the state’s Human Resources Division (HRD) of the reasons for bypassing Mr. Feliciano.⁴ (Exhibit 10)

45. Although not explicitly stated in the bypass letter, it is clear that the Springfield Police Department bypassed Mr. Feliciano after concluding that his “no” responses to the following questions were untruthful:

Question 12 on the Application: “Have you ever been asked to resign, been dismissed, disciplined in any way, or given a written or verbal reprimand because of misconduct or unsatisfactory service?”

Question 55 on the Registration Packet: “Have you ever threatened someone that you would assault them or commit some other type of crime against them?”

Question 100 on the Registration Packet: “Has anyone ever accused you of committing a crime?” (Exhibit 3)

⁴ Springfield is one of a handful of communities in Massachusetts subject to a consent decree regarding police hiring. Those communities are still required to submit bypass reasons to HRD for approval, whereas all other civil service communities have been delegated with approving the reasons for bypass.

46. On July 21, 2016, HRD notified Mr. Feliciano and the City that the bypass reasons were accepted. (Stipulated Fact)

47. On September 12, 2016, Mr. Feliciano filed the instant appeal with the Commission. (Stipulated Fact)

Legal Standard

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The commission is charged with ensuring that the system operates on "[b]asic merit principles." Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259 (2001), citing Cambridge v. Civil Serv. Comm'n., 43 Mass.App.Ct. 300, 304 (1994). "Basic merit principles" means, among other things, "assuring fair treatment of all applicants and employees in all aspects of personnel administration" and protecting employees from "arbitrary and capricious actions." G.L. c. 31, section 1. Personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge at 304.

The issue for the Commission is "not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision." Watertown v. Arria, 16 Mass.App.Ct. 331, 332 (1983). See Commissioners of Civil Service v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975); and Leominster v. Stratton, 58 Mass.App.Ct. 726, 727-728 (2003).

The Commission's role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority's actions. City of Beverly v. Civil

Service Comm'n, 78 Mass.App.Ct. 182, 189, 190-191 (2010) citing Falmouth v. Civil Serv. Comm'n, 447 Mass. 824-826 (2006) and ensuring that the appointing authority conducted an “impartial and reasonably thorough review” of the applicant. The Commission owes “substantial deference” to the appointing authority’s exercise of judgment in determining whether there was “reasonable justification” shown. Beverly citing Cambridge at 305, and cases cited. “It is not for the Commission to assume the role of super appointing agency, and to revise those employment determinations with which the Commission may disagree.” Town of Burlington, 60 Mass. App. Ct. 914, 915 (2004).

Analysis

In Beverly, a candidate for police officer was bypassed for appointment because he was terminated from his previous employer for serious misconduct – the unauthorized access of the voicemail accounts of other employees. A three-person majority of the Commission concluded that the City “failed to prove that [the candidate] illegally accessed voicemails of employees the reason given for his bypass, and accordingly did not support the reason by the necessary preponderance of the evidence.”

That decision was subsequently vacated by the Superior Court. Agreeing with the Superior Court, the Appeals Court stated, “Instead of focusing on whether the city had carried its burden of demonstrating a ‘reasonable justification’ the commission focused on whether the city had proven that [the candidate] in fact engaged in the misconduct. We believe the commission erred as a matter of law in placing such an added evidentiary burden on the city. In simple terms, neither [the candidate] nor the commission has presented a convincing argument that the Legislature intended to force an appointing authority to hire a job applicant for such a sensitive

position unless it is able to prove to the commission's satisfaction that the applicant in fact engaged in the serious alleged misconduct for which he was fired."

Here, I am limited to the reasons for bypass put forth by the City in its June 16, 2016 letter to HRD. Specifically, whether Mr. Feliciano was untruthful by answering "no" to the following three questions:

Question 12 on the Application: "Have you ever been asked to resign, been dismissed, disciplined in any way, or given a written or verbal reprimand because of misconduct or unsatisfactory service?"

Question 55 on the Registration Packet: "Have you ever threatened someone that you would assault them or commit some other type of crime against them?"

Question 100 on the Registration Packet: "Has anyone ever accused you of committing a crime?"

Question 55 on the Registration Packet: *"Have you ever threatened someone that you would assault them or commit some other type of crime against them?"*

Applying Beverly, I cannot require the City to prove that Mr. Feliciano actually threatened someone that he would assault them or commit some other type of crime against them in order to determine whether Mr. Feliciano was untruthful by answering "no" to this question. Rather, my role here is to review the "legitimacy" and "reasonableness" of the City's conclusion that Mr. Feliciano was being untruthful by answering no to this question and to determine if the City conducted an impartial and "reasonably thorough" review in reaching that conclusion. They did not.

Officer Dumas did an admirable job of speaking with the Human Resources Director at the Health Center, reviewing the police incidents reports and speaking with a lieutenant in the

Holyoke Police Department, in addition to speaking directly with Mr. Feliciano. However, at the time he wrote his report, Officer Dumas was aware that the Holyoke Police Lieutenant was in the process of completing a further review of the 2009 incident *and* that this further review would cast serious doubt on whether Mr. Feliciano threatened to commit a crime. For whatever reason, Officer Dumas never obtained a copy of the Lieutenant's final report which was completed two days *prior* to Mr. Feliciano's interview with the interview panel in Springfield. That report bolsters Mr. Feliciano's account of what occurred; specifically states: "status: no crime involved"; and calls into question some of the specific allegations raised by one of his co-workers at the Health Center.

To me, it is reasonable to conclude that, had the interview panel been provided with this follow-up report, they may have reached a very different conclusion regarding whether Mr. Feliciano was untruthful when he answered "no" to Question 55.

Question 100 on the Registration Packet: "Has anyone ever accused you of committing a crime?"

I listened (and re-listened) to Mr. Feliciano's testimony. After a careful review, I credit his testimony that he was never aware that a co-worker had "accused him of committing a crime" and/or that a police incident report had been completed with the heading "threatening to commit a crime." Even the Holyoke Police Department, the community where Mr. Feliciano was serving as an auxiliary police officer at the time of this hiring process, was unaware of these incident reports.

Again, had the interview panel had the benefit of the report from the Holyoke Police Department, which was completed two days prior to the interview, it is reasonable to conclude that they may have reached a different conclusion regarding whether Mr. Feliciano was

untruthful when he answered “no” when asked if anyone had ever accused him of committing a crime.

Question 12 on the Application: “Have you ever been asked to resign, been dismissed, disciplined in any way, or given a written or verbal reprimand because of misconduct or unsatisfactory service?”

Mr. Feliciano’s “no” answer to this question, as well as his explanation to Officer Dumas and the interview panel for providing this answer is far more problematic. At the time that he applied for the position of police officer in Springfield:

1. He had been terminated from the Health Center in nearby Holyoke based on an allegation of making threats to commit workplace violence.
2. As a result of calling in sick on a day of the week that he had, at a minimum, joked about “going postal”, the Holyoke Police were deployed to the Health Center and a Holyoke police officer was posted outside the facility.
3. A Springfield police officer was sent to Mr. Feliciano’s home and executed a Section 12 involuntarily commitment order which resulted in Mr. Feliciano being briefly admitted to a local hospital for a psychiatric evaluation.

All of this information should have been voluntarily disclosed to the Springfield Police Department by Mr. Feliciano in a candid, thorough and forthright manner from the outset of the application process. Instead, when Mr. Feliciano was asked to state on his application the reason for leaving the Health Center, he stated: “misunderstanding with a co-worker.” Further, although he correctly stated that he had been terminated in response to one question on the application, he wrote “no” to Question 12.

It wasn't until after Officer Dumas contacted Mr. Feliciano's former employer and after Officer Dumas reviewed the various police reports that he discovered all of the above information which Mr. Feliciano should have forthrightly disclosed from the outset in regard to his reason for leaving his employment at the Health Center. That is particularly true given that a member of the City's own police department had executed the Section 12 involuntary commitment against Mr. Feliciano.

Officer Dumas and members of the interview panel, which included multiple members of the command staff of the Springfield Police Department, effectively concluded that Mr. Feliciano was not forthcoming about the events that occurred in 2009 regarding the reasons for leaving his employment at the Health Center. Given the higher standard that is expected of police officers, and given the consequential nature of information provided by police officers both verbally and in written reports, the City's concerns regarding Mr. Feliciano's lack of candor and forthrightness provided reasonable justification for bypassing him for appointment.

For these reasons, Mr. Feliciano's appeal under Docket No. G1-16-152 is hereby *denied*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on March 30, 2017.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d)

Notice to:

Javier Feliciano (Appellant)

Maite Parsi, Esq. (for Respondent)